

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:  
ESPERANZA DE LA CRUZ**

**CASE NO. 16-07979 (MCF)**

**DEBTOR**

**CHAPTER 13**

**MOTION FOR DISMISSAL**

**TO THE HONORABLE COURT:**

**NOW COMES** TRM, LLC as servicing agent for RNPM, LLC, through counsel and most respectfully **STATES** and

**PRAYS:**

1. *Instant petition was filed on October 4, 2016.*
2. *On October 19, 2016, appearing party filed a secured proof of claim which is incorporated by reference.*
3. *As of the filing of the Bankruptcy Petition Debtor was 26 payments in arrears with respect to the mentioned note. Total pre-petition arrears \$11,782.80. See Proof of Claim for statement of account.*

4. Debtor is now 5 payments in arrears with respect to the mentioned note. Total post-petition arrears \$1,613.35. Enclosed as Exhibit "A" Account Statement.
5. Failure to make post-petition payments constitute cause for dismissal under 11 U.S.C. 1307(4).
6. Dismissal of instant petition is beneficial to creditors and parties in interest.
7. Enclosed Statement under Service Members Act for debtor.

**NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST**

Within **THIRTY (30) DAYS** after service as evidence by the certification, and an additional **THREE (3) DAYS** pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be

granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

**WHEREFORE** it is respectfully requested that this Motion BE GRANTED and that instant matter be dismissed, for the benefit of Movant, with such further relief as is deemed appropriate under the circumstances.

I CERTIFY that copy of this Notice was sent via first class mail to all creditors and parties in interest, as per enclosed master address list.

In San Juan, Puerto Rico, this 10, day of January 2018.

WVS LAW LLC  
17 Mexico St., Suite D-1  
San Juan, PR 00917-2202  
Tel: 787-756-5730  
Fax: 787-764-0340  
Email: [wvslawllc@gmail.com](mailto:wvslawllc@gmail.com)  
By: S/Wallace Vazquez Sanabria  
Wallace Vazquez Sanabria-125101

## REQUEST FOR LEGAL ACTION

To: MTG WALLACE VAZQUEZ  
Loan ID: 102554838  
Debtor: ESPERANZA DE LA CRUZ  
SS No. xxx-xx- 240

BK Num: 16-07979-MCF  
Date Filed: 10/4/2016  
Chapter: 13

### PRE-PETITION ARREARS:

Payments	0	months @	\$	-	\$	-
Late charges	0	months @	\$	-	\$	-

**SUB PRET- PETITION AMOUNT** \$ -

Attorneys fees				0.00
Inspections				0.00
Accumulated L/C				0.00
BK Fees				0.00
Escrow				0.00
Other Charges				

**TOTAL PRE- PETITION AMOUNT** \$ -

### POST-PETITION ARREARS:

Payments	5	months @	\$	308.54	\$	1,542.70
Late charges	5	months @	\$	14.13	\$	70.65

**TOTAL POST- PETITION AMOUNT** 9/1/17 @ 1/1/18 \$ 1,613.35

**TOTAL** \$ 1,613.35

Principal Balance: \$ 30,302.23

**Note: All reinstatement payments must be made up to the current month,  
including legal fees and late charges .**

I, the undersigned, declare under penalty of perjury that the amount claimed by Movant in the foregoing Motion represents accurately the information kept in accounting books and records kept by Movant in the ordinary course of business. I further declare under penalty of perjury that I have read the foregoing Motion and that the facts alleged are true and correct to the best of my knowledge.

Name: /S/ ELISANDRA ORTIZ  
Title: BANKRUPTCY OFFICER - MORTGAGE

1/2/2018



Status Report  
Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-0240

Birth Date:

Last Name: DE LA CRUZ

First Name: ESPERANZA

Middle Name:

Status As Of: Jan-04-2018

Certificate ID: 7XDC43X55D2HMMM

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director

Department of Defense - Manpower Data Center

400 Gigling Rd.

Seaside, CA 93955

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. ? 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q33) via this URL: <https://scra.dmdc.osd.mil/faq.xhtml#Q33>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. ? 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

## More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC ? 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC ? 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

## Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC ? 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

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Label Matrix for local noticing  
0104-3  
Case 16-07979-MCF13  
District of Puerto Rico  
Old San Juan  
Thu Jan 4 13:09:10 AST 2018

TRM, LLC as servicing agent for RNPM, LLC  
c/o WVS LAW LLC  
17 MEXICO STREET  
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SAN JUAN, PR 00917-2202

US Bankruptcy Court District of P.R.  
Jose V Toledo Fed Bldg & US Courthouse  
300 Recinto Sur Street, Room 109  
San Juan, PR 00901-1964

AAA  
PO BOX 70101  
SAN JUAN, PR 00936-8101

COND. BORINQUEN PARK APARTMENTS  
GOYCO STREET  
CAGUAS, PR 00725

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PO BOX 674  
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EOS CCA  
700 LONGWATER DR ATT  
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ER SOLUTIONSS  
800 SW 39TH ST SPRINT  
RENTON, WA 98057-4975

NATIONWIDE RECOVERY  
2304 TARPLEY RD STE 134 ATT MOBILITY  
CARROLTON, TX 75006-2467

RNPM LLC  
PO BOX 194499  
SAN JUAN, PR 00919-4499

TRM LLC  
PO Box 192219  
San Juan, PR 00919-2219

TRM, LLC Loan Servicing System  
221 Ponce Leon Ste 804  
San Juan, PR 00918

ALEJANDRO OLIVERAS RIVERA  
ALEJANDRO OLIVERAS CHAPTER 13 TRUST  
PO BOX 9024062  
SAN JUAN, PR 00902-4062

ESPERANZA DE LA CRUZ  
BORINQUEN PARK APARTMENTS  
APT C 116  
CAGUAS, PR 00726

MONSITA LECAROZ ARRIBAS  
OFFICE OF THE US TRUSTEE (UST)  
OCHOA BUILDING  
500 TANCA STREET SUITE 301  
SAN JUAN, PR 00901

ROBERTO FIGUEROA CARRASQUILLO  
PO BOX 186  
CAGUAS, PR 00726-0186

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d) TRM, LLC as servicing agent for RNPM, LLC  
c/o WVS LAW LLC  
17 MEXICO STREET, SUITE D-1  
SAN JUAN, PR 00917-2202

End of Label Matrix	
Mailable recipients	15
Bypassed recipients	1
Total	16